

LAMONICA HERBST & MANISCALCO, LLP

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November 17, 2020

Via ECF

Honorable Martin Glenn
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: Lee Alexander Bressler
Chapter 7
Case No. 18-13098 (MG)
Messer, as Trustee v. Amy L. Bressler, as Trustee
of the 83 Spring Close Trust
Adv. Pro. No. 19-01127-MG

Dear Judge Glenn:

As directed by the Court at the hearing held on November 10, 2020, the parties jointly write to report their progress in addressing the issues of privilege raised by the Defendant and non-party witnesses Jay Ringel, Esq., Lee Bressler and Shira Bressler.

Yesterday counsel for Shira Bressler produced 520 pages of records and a 4-page privilege log. Today she supplemented the log by cross-referencing, where applicable, the same items produced by Mr. Ringel over which she asserts the attorney-client privilege. She also provided a separate excel spreadsheet in which she identified approximately 62 additional pages of e-mails produced by Mr. Ringel which she claims to be subject to the attorney-client privilege.

Yesterday Lee Bressler, via his counsel, produced 31 pages of documents and 3 item privilege log. During the meet and confer held this afternoon, counsel for Lee Bressler advised that he joins in the assertion of the attorney-client privilege asserted by Shira Bressler in both the log applicable to the records withheld by her and the excel spreadsheet concerned with other communications produced by Mr. Ringel.

Counsel for the Defendant previously produced 2,129 pages of documents and has asserted a privilege over and sought to claw back only part of a single e-mail produced by her (which was also produced by Mr. Ringel).

Counsel for Mr. Ringel has reported that he and his client will be guided by the privileges asserted by the Defendant, Lee Bressler and Shira Bressler.

Counsel for the Plaintiff, Defendant and non-party witnesses Jay Ringel, Shira Bressler and Lee Bressler met and conferred this evening to see if they could resolve the privilege issues. Those discussions were not concluded this evening and the parties will reconvene tomorrow at 10:30 am.

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The Trustee's counsel anticipates filing a further status letter following that conference.

Respectfully submitted,

s/David A. Blansky

David A. Blansky

DAB:rrl

cc: Gregory Messer, as Trustee (Via E-Mail)
Chester R. Ostrowski, Esq. (Via ECF & E-Mail)
Mark Goidell, Esq. (via E-Mail)
David Mahoney, Esq. (via E-Mail)
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